

Stephanie Stewart

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ALLISON STEWART,)
Individually and as)
Representative of the)
ESTATE OF TROY STEWART,)
STEPHANIE STEWART, AND)
NATASHA STEWART)

Plaintiff(s)

VS.

C.A. NO. 2:12-cv-207

CITY OF CORPUS CHRISTI,)
TEXAS; MIKE WERTANEN,)
Individually, and)
BRANDON CORDELL,)
Individually)

Defendant(s)

ORAL AND VIDEOTAPED DEPOSITION OF

STEPHANIE STEWART

APRIL 10, 2013

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1 Q Okay. So you ate a separate type of --
2 That was your mom and your dad that were eating that?

3 A And my nephew, yes, sir.

4 Q So, did you sit down and eat with them?

5 A Yes, sir.

6 Q Okay. What was your dad drinking at that
7 time? Anything?

8 A He was drinking water.

9 Q What happened after the meal?

10 A After the meal, we started to watch a movie
11 and -- we just watched a movie and my mom fell asleep on
12 the couch, and then we were taking pictures of her because
13 she had her mouth open and everything, and then we finally
14 woke her up and then she went into the room and she got my
15 nephew and put him to sleep in the other room, and then
16 the movie finally finished and me and my dad were watching
17 a standup comedy on TV, and then, after that -- Well,
18 during that time, I made him two rum and Coke.

19 Q During which time?

20 A While we were watching the movie.

21 Q Okay. Let me back up for a second because
22 I'm just dying to know. It must not have been a very good
23 movie if you're taking -- your mom falls asleep and you
24 all quit watching the movie and take pictures of her.
25 What was the movie?

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1 Q And did you use the whole --

2 A No, sir.

3 Q -- can of Coke?

4 A No, sir.

5 Q How much would you -- You said kind of in a
6 glass. What size -- How many ounces would that be, if you
7 had to guess? Let me give you a hint. This can is --

8 MR. GALE: 12.

9 Q Now it's showing my age. 12 ounces?

10 A Yes, sir.

11 Q Okay?

12 A Uh-huh.

13 Q How much would the rum and Coke be?

14 A It would probably be about half of that.

15 The glass is about six ounces.

16 Q Okay. And how much of the can did you put
17 of the Coke into the drink?

18 A I put, probably, about three ounces of Coke.

19 Q So, you made two of them. Did you use the
20 whole can or was there some of the can still left?

21 A There was still some left in the can, a
22 little bit left in the can.

23 Q So, you said it was what? What size of the
24 drink that you made for it?

25 A The drinks were about six ounces, I guess.

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1 A I can't recall, sir.

2 Q But, once again, your memory would have been
3 better at the time that you gave the video statement than
4 it would be today?

5 A Yes, sir.

6 MR. GALE: Objection, asked and
7 answered.

8 Q How late -- Your dad, you said, after the
9 movie ended, your dad and you stayed up, and it's just you
10 two that are awake at this time or at least in the living
11 room?

12 A Yes, sir.

13 Q And how much later did you all stay up
14 watching the comedy show?

15 A I'd say until it ended, which was about like
16 12 something at night.

17 Q Okay. And what happened next?

18 A Then he told me good night, because I was a
19 little wired and awake, and so he told me good night and
20 that he'll see me in the morning, and then he went to his
21 room.

22 Q Okay. Did you see him again that night?

23 A Yes, I did.

24 Q Okay. Tell me about that.

25 A He called me into the room and I went in

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1 wondered if maybe you, being in the medical field, if you,
2 kind of, took over on that?

3 A No, sir.

4 Q All right. You've taken your dad the Sprite
5 and you come back out. Do you go back out into the living
6 room?

7 A Yes, sir.

8 Q You're still wide awake because you're not
9 even off work normally, right?

10 A Yes, sir.

11 Q So you're watching TV or what?

12 A Yes, sir.

13 Q Okay. What happens next?

14 A The next thing I know is that I hear and see
15 my mom come into -- well, I was in the den, watching TV.
16 She comes into the den and she tells me to come quick
17 because there's something wrong with my dad.

18 Q Did she tell you what?

19 A No, sir.

20 Q Go ahead. What happens?

21 A Okay. Then I go into the room and I see
22 that he's on the bed and he's shaking and he is also kind
23 of slobbering also at the same time. I could tell that he
24 was, kind of, having difficulty breathing, and that's when
25 I was, kind of, shaking him. I was like, "Dad, dad, stop

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1 playing. What's wrong?" And he never responded, and my
2 mom was upset, and I told her to calm down, and I went and
3 got the phone, and that's when I called 911 because I had
4 never seen him like that ever.

5 Q Okay. Let me stop you for just a second and
6 ask some questions, if I may, Stephanie. Had you ever
7 seen anybody -- You talked about your dad shaking?

8 A Yes, sir.

9 Q Had you ever seen anybody in your work in
10 that condition?

11 A Yes, sir.

12 Q How would you describe it?

13 A What do you mean?

14 Q When you say shaking, was it just he was
15 standing and his hand was shaking or was it --

16 A No, sir. His whole body was trembling and
17 shaking.

18 Q What was the condition of the person that
19 you saw previously like that? What was their condition?

20 A Either a patient that has Parkinson's or a
21 patient that has a history of seizures, that was having a
22 seizure.

23 Q Did it appear to you that your dad was
24 having a seizure?

25 A It did appear to me that he was having

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1 Q Was he conscious?

2 A No, sir.

3 Q Okay. So, when you say you helped him get
4 to the floor, did he aid in any way?

5 A No, sir.

6 Q I just want to clear that. How did you all
7 got him to the floor?

8 A My mom was at his head and helped him while
9 I did the remainder -- the majority of the moving.

10 Q You did the legs?

11 A Yes, sir.

12 Q Okay. And you all just put him from the bed
13 to the floor?

14 A To the floor, yes, sir.

15 Q Okay. And I understand, from your mother's
16 testimony, that you put him on his back?

17 A Yes, sir.

18 Q What happens next?

19 A The next thing you know, he stops shaking.

20 Q How long after you put him on the floor?

21 A It was less than five seconds.

22 Q Oh. Just almost immediately?

23 A Yes, sir.

24 Q Okay.

25 A And then he starts to get up on his knees

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1 and was grabbing at the bed to try to pull himself up;
2 and, at that point, I was telling him, "Dad, no, just stay
3 down," and I told my mom to step back because she had just
4 recently had surgery, and he didn't seem like he was
5 comprehensive at all, and he kept on trying to get up, and
6 I was just like, kind of, pushing him down a little bit so
7 that he wouldn't slip while he's trying to get up, so he
8 could try to stay down on the ground. That way, I knew he
9 wouldn't fall while trying to get on the bed or anything
10 like that.

11 Q Okay. Stephanie, during this time, was he
12 combative at all?

13 A No, sir. He just didn't seem like he was
14 himself. He wasn't answering or saying anything. He was
15 just -- He looked confused. His eyes were like really
16 bloodshot and he was just looking around a lot, didn't
17 really know where he was at.

18 Q Sort of confused and not really being
19 cognitive of you all being there?

20 A Yes, sir.

21 Q Okay. Now, had he been combative at all
22 from the time that you went into the room until this
23 happened?

24 A No, sir.

25 Q Now, you said that you got him there and he

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1 staying down on the ground, I went and I went to my
2 grandmother's room and told her "something is wrong with
3 dad" and for her to wake up, and I think that was when she
4 called my sister and told her what was going on. Then I
5 went back because my parents' room was adjacent to the
6 room that my nephew was sleeping in, like right next door.
7 So I, kind of, checked in on him and then I went back in
8 there, my parents' room.

9 Q Okay.

10 A And that's when heard knocking at the door.
11 So I went to the door and it was the paramedics, and they
12 came in and they asked me where my father was and I told
13 them that he was in the first bedroom. So, they went in
14 there, and then they were, kind of, assessing him, but not
15 really. They were just kind of looking at him and
16 seeing -- getting, kind of, a basic view of what was going
17 on, and they asked me if he had any medical conditions and
18 I told them, "Yes, he has diabetes, hypertension," and the
19 next thing you know --

20 Q Let me stop you for just a second,
21 Stephanie. I'm sorry. Were you aware of your father's
22 cardiac problems a year or two before?

23 A Yes, sir.

24 Q Did you notify the EMT --

25 A No, sir.

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1 Q -- folks of any cardiac?

2 A No, sir.

3 Q At any time, did you ever notify them of any
4 cardia problems?

5 A No, sir. Other than the hypertension, no.

6 Q But, I mean, where he had the fluid on the
7 heart, stuff you were aware of?

8 A No.

9 Q So, you tell them what you know that he has,
10 high cholesterol, hypertension, and diabetes?

11 A Yes, sir.

12 Q Okay. What did they do next?

13 A Then they said, "Well, we need to get him
14 out of here, out of this room," because the room was
15 pretty small. They needed more space; and, so, they tried
16 to get him to come out, but he just looked at them, gave
17 them a blank stare, like he didn't know what was going on;
18 and, so, I was telling him, "Dad, dad, follow me, follow
19 me," and then he finally, kind of, got up and started to
20 follow me out into the living room, but even with that, he
21 wasn't stable on his feet at all, and then they helped
22 him.

23 Q How did they help him?

24 A They had him, like, on the sides.

25 Q Like you see football players coming off the

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1 field in a football game, right?

2 A Yes, sir.

3 Q Okay.

4 A And then they put him on the couch and he
5 was, keep of, slumped over.

6 Q Let me ask you. When you say they put him
7 on the couch, how did they put him on the couch?

8 A They still had him like, kind of, one arm
9 under each arm and they, kind of, sat him on the couch.

10 Q Okay. What happened next?

11 A Then they got a finger stick on him. They
12 checked his blood sugar.

13 Q Was he sitting on the couch when they did
14 that?

15 A Yes, sir.

16 Q And what was his condition at this point?
17 Still incoherent but not moving around?

18 A Yes, sir.

19 Q Okay.

20 A and then, after that, the paramedic said
21 that his blood sugar was critical high.

22 Q Did that cause you concern, when you heard
23 that?

24 A Yes, sir.

25 Q Did you have any complaints, up to this

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1 point, about what the EMT's were doing?

2 A No, sir.

3 Q You were familiar, because of your work,
4 with what was going to happen and what they were doing; is
5 that correct?

6 A Yes, sir.

7 Q And from what you could see, you had no
8 complaints about what was happening with the EMT's; is
9 that correct?

10 A No, sir.

11 Q Am I right?

12 A Oh, yes, sir.

13 Q Okay. I asked the question wrong,
14 Stephanie. Not -- Your answer was right. I asked the
15 question wrong. Okay. So, they do the finger stick.
16 They tell you it's critically high. You're concerned?

17 A Yes, sir.

18 Q Do you tell that -- Do you share that
19 concern with your mother, grandmother, or anybody else in
20 the family?

21 A No.

22 Q Go ahead. What happens next?

23 A I see -- I noticed that there are two -- one
24 officer at the front of the door entrance, and that was
25 when they said, "Okay, we're going to have to start an

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1 I.V." So they did the tourniquet and put it on his arm,
2 and I guess he didn't like how tight the tourniquet --
3 because, usually, they have to get it pretty tight on your
4 arm so they can find a vein, and he was kind of moving his
5 arm around, and then that's when one of the officers came
6 into the house and was like, "Hey, Buddy, let them help
7 you out," and that's when one of the other EMT's came and
8 was asking me more information about him, which was, kind
9 of, like the same thing that he asked me before. There's
10 not much I really know other than his medical history.

11 And while that was going on, he was, kind
12 of, getting a little combative a little bit. It was still
13 kind of waving his arms and kind of moaning and groaning.

14 Q Let me ask you this: When he was waving his
15 arm, did he ever strike any of the emergency EMS people?

16 A No, sir. I didn't see that.

17 Q Did they take the tourniquet off?

18 A Yes.

19 Q Could they have -- Let me ask you this.
20 Your mom had made a statement, that the police officers
21 said he was a big guy. How tall was your father?

22 A He was maybe 5'6.

23 Q 5'6?

24 A 5'7. He wasn't really all that tall.

25 Q And how much did he weigh?

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1 concerned about that, weren't they?

2 A Yes, sir.

3 Q And they needed to get him restrained so
4 they couldn't do that; is that correct?

5 A Yes, sir.

6 Q Did they say anything to anybody?

7 A No, sir.

8 Q Did they ask the police officers to help
9 them restrain him?

10 A I don't remember hearing that, anything like
11 that.

12 Q Are you saying that didn't happen or you
13 don't remember?

14 A I don't recollect that.

15 Q So, what happens next?

16 A The next you know, another officer came into
17 the house, and I was standing kind of near in between the
18 living room and the kitchen, because there's like a little
19 entryway right there, and I remember one of the EMT's
20 saying, "Can you all, please, move you all's cars? That
21 way, we can get the stretcher in there. That way, we can
22 use the side entrance," the side door, and I was like,
23 "Okay."

24 So, my mom had already left to go move her
25 car, and, so, I was kind of looking, and then the next

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1 thing you know, I was like, "Okay, well, then I guess I'll
2 go and move my car," and, by then, my mom had came back
3 and I was leaving, and then, all of a sudden, I hear
4 like -- kind of like screaming, grunting noises, and I
5 move my car. It's like right across the street, really
6 quick. I came back within like two minutes and I saw that
7 he was on the ground, and two of the officers were on top
8 of him and he was handcuffed and he was moaning and
9 groaning and grunting and kind of like hollering, but
10 nothing like -- not like "Ahhh" or anything like that. It
11 was just kind of loud. And they were on top of him
12 telling him to calm, calm down. The next thing you know,
13 my mom was saying, "Why do you have the handcuffs on him?"
14 And then I had saw that one of the officers said, "He
15 threw up," while they were still on top of him, and then
16 after he had thrown up, then they'd finally gotten off of
17 him and said, "I top think he's breathing," and one of the
18 officers then checked his pulse and they're like, "No,
19 he's not breathing," and then, finally, they -- like it
20 took a minute or two before they went and took the
21 handcuffs off, and he was still yet on his stomach, and
22 then they finally turned him and I told them, "Suction
23 him," because he still had vomit on him and he could have
24 aspirated, and then, finally, they put the defibrillator
25 tabs on him and turned on the defibrillator. At that

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1 time, then they started to try to start an I.V. in his
2 arm. They got the IO --

3 Q Let me stop you for just a second. When you
4 say, "they started," who is "they"?

5 A For?

6 Q You said, "They started to put the I.V. in
7 him."

8 A The EMT's, the paramedics. And they -- The
9 paramedics began to start an I.V., but it didn't work.
10 And then they tried to put the IO in, which is like a
11 little -- it's a way of getting access, and they go like
12 in the kneecap. It's like a little drill. That way, they
13 could push any kind of fluids or anything like that, and
14 he still didn't have a pulse, and one of the -- While all
15 this was going on, also, there's an officer behind me
16 that's asking me information about myself and my birthday.
17 And then, finally, they roll him to his side and put him
18 on the backboard and start doing CPR. Then they finally
19 lifted him up off the ground with the board and took him
20 out through the front door.

21 Q Did you see any of the police officers?

22 A I remember one, seeing one of the police
23 officers, like his actual face.

24 Q And is that the police officer you said that
25 came in and said, "Hey, buddy, come on, calm down," or

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1 those two officers; is that correct?

2 A No, sir.

3 Q Okay. Go back now. And, by the way, the
4 officers asking you a question wasn't one of those two
5 officers?

6 A No, sir.

7 Q Okay. Could you identify -- I know you
8 were -- your mother was asked, earlier, if she could
9 identify the two officers? Could you identify them if you
10 saw them again?

11 A I could identify one.

12 Q This is the one that you saw earlier that
13 went up to your dad and told him to "calm down, buddy"?

14 A Yes, sir.

15 Q The officers come to the house. Did you
16 have any discussion with them when they came?

17 A Later on that day?

18 Q Yes, ma'am, the officers.

19 A They came to the house and we were making
20 chicken, because everybody was hungry, and they said --
21 they told me that I sounded really calm when I called 911
22 and that I did a good job by remaining calm. That was
23 about it. And they asked if we could go to make a
24 statement.

25 Q Were they polite to you?

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1 A Yes, sir.

2 Q Were they courteous?

3 A Yes, sir.

4 Q And did you go with them to give the
5 statement?

6 A I rode with my mother to the station.

7 Q That's right. Your mom said she drove a
8 separate car.

9 A Yes, sir.

10 Q Did you have to wait until your mom had
11 given a statement or did you give a statement at the same
12 time?

13 A We did --

14 Q If you know.

15 A We gave the statement at the same time,
16 because as soon as we went up to the floor, where we did
17 give the statements, they took her into one room and they
18 took me into another room.

19 Q And your mom said her statement took about
20 20 minutes. Is that your memory also?

21 A Her statement took longer than mine did.

22 Q So you got -- finished your statement and I
23 guess you went out to wait for her to come out?

24 A Yes, sir.

25 Q How much longer did you have to wait before